[Mr. N. Kumaran.]

MR. N. KUMARAN (*Nominated*): In that case, what I suggest is that I may be allowed to formally move the resolution and the House may be adjourned for the discussion before my speech.

PRESIDENT: You may move the resolution and then you will make a speech, I presume. Why should you move the resolution now? This is not the end of the session and your resolution does not lapse.

MR. N. KUMARAN (*Nominated*): In that case, I would request permission for moving the resolution in the adjourned meeting.

PRESIDENT: You are entitled to it. It comes up as a matter of course at the adjourned meeting.

MR. N. KUMARAN (*Nominated*): Would any other item of business be taken up to-day?

PRESIDENT: I do not know if Government members are prepared for other resolutions. I think the Government members expect that only this resolution will come up to-day. So I would suggest that we rise now, if this resolution is not going to be moved.

MR. N. KUMARAN (*Nominated*): If the President agrees to it, I would apply for suspension of further business.

PRESIDENT: If the House wants it, I have no objection. I am only pointing out the difficulty, because the other Government members are not ready.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know why he does not wish to move the resolution?

PRESIDENT: Because he thinks the discussion will not be completed to-day; that is what I gather from him.

MR. N. KUMARAN (*Nominated*): I shall nevertheless move my resolution.

PRESIDENT: Yes, all right.

Throwing open of all roads to all classes of people.

MR. N. KUMARAN (*Nominated*): Sir, I beg to move the following resolution which stands against my name:—

"*This Council recommends to the Government that all roads round the Vaikam temple and all other roads similarly situated in Travancore be thrown open to all classes of His Highness the Maha Raja's subjects without distinction of caste or creed.*"

It is perhaps proper that I inform the House at the outset that, in moving this resolution, I have no intention to provoke in this House any discussion on religious questions properly so called. Nor is it my desire to excite any sectarian or caste feelings and prejudices of any kind whatsoever. My resolution raises one of the most vital issues that have come up for the consideration of this Council. I hope I would be justified therefore in expecting from the members on either side of the House

LIBRARY ARCHIVES Kerala Legislative Assembly

a calm and dispassionate discussion from all points of view. Considerations higher than parties and sects and religions and castes will, I am sure, guide our deliberations and should ultimately enable us to cast our vote on the side of justice and humanity.

My resolution conveys a recommendation to the Government for throwing open to all classes of His Highness' subjects roads round the Vaikam temple and roads similarly situated in other parts of Travancore. On the ground of untouchability and unapproachability, some roads in Travancore are not permitted to be used by all classes of people. A few of them are situated near palaces while others are near Sirkar temples. These roads do not exist by themselves unconnected with other roads or parts of roads through which all sections of the public have a right of passage. If this resolution is passed and given effect to, we may probably have no road in Travancore from which any class of people can be excluded on the ground of caste or religion.

In a population of 40 lakhs about 26 lakhs are returned as Hindus. This forms 64 per cent. of the total population of the State. Roughly speaking, 8 lakhs or 33 per cent. of the Hindu population alone are caste Hindus who are entitled to enjoy all these amenities available for a citizen of this country. 41 per cent. of the total population, *viz.*, 17 lakhs comprise the untouchable classes. You will thus see the extent of this evil. 41 per cent. of the citizens of this country—loyal, hard-working, peace-loving subjects of His Highness the Maha Raja who form the backbone of the country—are prevented from enjoying some of the elementary rights of citizenship for the purpose of satisfying the super-sensitiveness of a small portion of the caste Hindu population. As my resolution affects the rights and liberty of such a large proportion of the population, I believe I am justified in inviting your pointed attention to the importance of the issue involved and to the necessity of this House devoting its best attention for its consideration.

Owing to the rapid spread of education in the country, these depressed classes began to feel dissatisfied with the conditions of life allowed to them by the narrow and depressing nature of their environments, and they began, therefore, to agitate for their betterment. In the early seventies of the last century, there was some trouble in South Travancore when Nadar women claimed to have the simple right of covering the upper portion of their body. Caste Hindus raised objections and Government did not go to the help of these women, until the British Government interfered and told them that the insult offered to women in an empire ruled by a woman would not be considered excusable. Government had then to yield and support the cause of the helpless. When the caste Hindus found that Government was not with them, they quietly withdrew and the Nadar women were allowed to cover their body as they pleased. The same problem arose in other parts of the country. Since Government did not interfere, the people settled it among themselves. As these communities advanced in education and enlightenment, they began to assert themselves and claimed the free use of public roads, courts and other public places. There was opposition from caste Hindus, but Government were firm and made it clear that

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. N. Kumaran.]

they stood for equality of rights in such matters. On the 28th of Karkatakam, 1040, a notification was published in the *Government Gazette* to the effect that all public roads excepting those within the Trivandrum Fort might be used by all classes of people in whatever conveyances it pleased them to employ. Again, complaints having been brought to the notice of Government that members of depressed classes were not freely admitted to all public offices and courts, we find the Government of Sir. T. Madhava Rao issuing a *sadhanam* on the 26th Panguni, 1045, requesting the four Division Peishkars "to make special arrangements to effectively remove any hardships or inconvenience to those who are attending public offices" and stating that "no distinction of caste or creed should be observed in admitting persons to public offices." Government found it necessary to reaffirm this order by a circular dated the 21st July 1884. The circular is in these terms: "There being reason to believe that Pulayas and other humbler classes of the population still find difficulty in getting free access to the public courts and cutcherries and are not unfrequently obstructed in the use of the public highways and markets, His Highness' Government deem it necessary to call the attention of all public officers to an order issued from the Huzur on the subject on the 26th Panguni, 1045, and to impress upon all concerned that the courts and cutcherries of the State and all public roads and market places are open alike to all classes of His Highness' subjects without distinction of creed or caste, and that no man shall be allowed to hinder another from the free use of them on any ground whatsoever, such hinderance being an unjustifiable interference with the liberty of the subject and calculated to defeat the impartial administration of justice. Any public officer who may be found to deny free access to himself on business to any section of the population and who may not personally receive or hear petitions from any person or conduct investigations into cases in the presence and within the hearing of the parties concerned on the ground that such persons are of low caste, will be visited with the severest displeasure of Government."

Sir, you will thus see that, as the Government of Travancore became more and more enlightened, they began to remove the social disabilities of these communities one by one. They were admitted to English schools, in important centres to begin with, and then to mofussil English schools and later on to Vernacular schools, though we have still a number of them to which they are not admitted.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): May I know in how many schools they are not yet admitted?

MR. N. KUMARAN (*Nominated*): In about 13 or 14.

It cannot be said that the progress made in this direction is uniform or satisfactory. It depended mainly upon the head of the administration and his official advisers. In the case of admission of children of depressed classes to some schools there was great opposition from caste

LIBRARY ARCHIVES Kerala Legislative Assembly

Hindus in certain localities. But, before the firmness of the Government of Sir P. Rajagopalachari and the tact and courage of his lieutenant Dr. Mitchel, this opposition soon melted away. After the time of Sir Rajagopalachari, in spite of insistent agitation on the part of the depressed classes, the Government have not moved an inch forward in removing their social disabilities. This is a matter of ancient history so far as the resolution under discussion is concerned. But one or two principles emanate from this history which are of some importance for our discussion to-day. Firstly, when Government introduced and ordered these changes and reforms into the order which then existed, they did violence to the sentiments of the caste Hindus. When a Pulaya was allowed to rub shoulders with a Nambutiri, either on a public road or in a court or public office, it was certainly against custom of a certain variety. Then again, when the caste Hindu found that Government meant to carry out their policy at all costs, his opposition vanished into thin air, and thirdly, the pace of advance depended solely upon the Government and their officers.

I have already adverted to the rapid growth of social and political consciousness in some of these communities. It cannot be said that these communities have not carried on a sustained and constitutional agitation for the removal of their disabilities. Before the constitution of the Popular Assembly, the Ezhavas—the community that is in the vanguard of these movements—have, by petitions and memorials, time and again approached the Government and His Highness the Maha Raja for the removal of these disabilities. In all the sessions of the Assembly from the first to the last, Ezhava members were pressing on the attention of the Government the extreme irksomeness of their social position in public places and the urgency of its removal. The most distressing and intolerable of the many disabilities was the prohibition of these classes from passing along some roads situated near temples and palaces. In the 12th session of the Popular Assembly, the late Mr. Kumaran Asan and other Ezhava members drew the attention of the Government to this evil and referred to roads in Vaikam, Tirunakkara at Kottayam, Suchindram and a few other places and suggested the removal of the prohibition boards placed near some of these temples. Thereafter in each session a number of Ezhava members brought representations before Government about unapproachability in general and these roads in particular. Government not heeding these representations, the Ezhava Community claimed, as Hindus, right of entry and worship in all Sirkar temples. Mr. T. K. Madhavan moved that subject for the first time in the 15th session of the Assembly. From that day forward the question of admitting all classes of Hindus into Sirkar temples without distinction of caste, was placed year after year before Government for their consideration. Government did not deem it necessary to give even a satisfactory reply; much less to do anything to remove these complaints. They even went to the extent of prohibiting the very representation of the subject of temple entry in the Assembly. It is one thing for Government and their officers to say that they would take their own time to come to a decision. But it is quite another matter

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. N. Kumaran.]

to those who are reminded every moment of their life that they are only fit to be underdogs and that they are not to have even some of the elementary rights of man which under the law of God and of man are absolutely inalienable and indefeasible. How long are these people to wait? Is it a sin of an unpardonable nature, if they take into their heads that they should compel Government not to sleep over these questions but to solve them at the earliest moment possible? I ask, is it not a pardonable human weakness if a person evinces a great anxiety, a consuming desire, to have this disability removed and to have him recognised as equal to any other citizen of this enlightened State? That is, Sir, how satyagraha happened to be started at Vaikam.

I should not thereby be understood as telling this House that satyagraha was the most proper course to be adopted for the removal of this grievance. I am also far from saying that Government had nothing to complain about the manner or the time in which this issue was forced upon their attention. All that I wish to point out here is that, owing to the utter disregard that has been shown to the solution of this pressing problem, the satyagrahis wanted to rivet the attention of the public and the Government on the question with a view to arrive at a decision favourable to the satyagrahis.

Whatever might be said against the starting of Satyagraha at Vaikam, it cannot be denied that it has compelled public attention in this country and outside being concentrated upon it. People hitherto indifferent have been roused from their lethargy and compelled to a process of intense thinking. The evils of untouchability and other social inequalities have been once again exposed to public view in all their nakedness and crudity. The satyagrahi may at least take credit for doing this eminent service to the cause of the depressed classes and of humanity at large.

I need hardly say that Vaikam temple is one of the most important temples in the State. Probably this circumstance, together with the existence of prohibition boards on the roads in question, might have induced the satyagraha leaders to choose Vaikam as the scene of their operations. All things considered, it seems to me that Vaikam presents the strongest case possible for the Sirkar, even though the position of the satyagrahi according to my friend Mr. P. K. Narayana Pillai is fairly "unassailable." In order to clearly understand the situation, one should have an idea of the Vaikam temple, and its location and other attendant circumstances connected with it.

I presume many of the non-Hindu members might not have been to Vaikam. The temple wall encloses a very extensive area, *viz.*, 9 or 10 acres of ground. On the four sides of this wall there are four gates leading to the temple and there are roads round the wall on the outer side. The main gate is on the western side. From the boat jetty to this gate the road lies straight and has a length of two or

LIBRARY ARCHIVES Kerala Legislative Assembly

three furlongs. The roads in question are those which run round the temple walls. In 1080 or thereabout, the late Mr. K. P. Sankara Menon was the Peishkar of the Kottayam Division. In his zeal for maintaining intact the custom of untouchability he conceived the novel idea of putting up prohibition boards on the four approach roads to the temple gates. He fixed them about a furlong away from the temple gates and the boards contained the expression : "തീണ്ടൽജാതിക്കാരുടെ പ്രവേശനം വിരോധിച്ചിരിക്കുന്നു."

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : When was Mr. Sankara Menon Peishkar of Kottayam Division ?

MR. N. KUMARAN (*Nominated*) : Somewhere about 1080.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*) : May I know whether the *Kanikkattara* did not exist long before Mr. Sankara Menon was Peishkar of Kottayam ?

MR. N. KUMARAN (*Nominated*) : I do not know where the *Kanikkattara* was.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*) : May I know whether it is on the other side of the prohibited road or on the eastern side of the temple ?

MR. N. KUMARAN (*Nominated*) : That does not affect the situation.

There is nothing to show that Government ever authorised that zealous Hindu to put up these boards. Government never knew of their existence until the matter was brought to their notice by representatives in the Assembly. But Government have now adopted this action as their own and as coming within their inherent powers. Almost at the same time a similar board was placed on the road leading to Tirunakkara temple at Kottayam which board has long since ceased to prohibit any one and all classes of people use the Tirunakkara roads. Year after year representations were made at the Assembly and interpellations were asked in the Legislative Council about these boards. Some Government officer thought that the location of the boards at the distance of a furlong from the gate and the words it contained were both wrong. The board was accordingly removed from the former position and placed within fifteen to twenty yards of the temple gate at Vaikam. The boards contained a new expression in the place of the old one, *viz.*, "ചെറുജാതിപ്രവേശനം വിരോധിച്ചിരിക്കുന്നു." I request this House to remember these expressions as they are very pertinent in discussing the question whether these roads are public roads. It would interest the members of this House to know that the four notice boards posted on the approach roads at Vaikam are located at different distances from the gates, the one on the western gate being the nearest and the one on the eastern gate being the farthest from the gates. About the 17th of Kumbham last, an announcement was made at Vaikam that a procession of prohibited classes would be taken along the roads in question on the 17th of the succeeding month. Thereupon the District Magistrate of Kottayam

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. N. Kumaran.]

issued a prohibitory order under Section 127 of the Criminal Procedure Code against the proposed procession which was therefore given up. On the 17th Meenam small batches of volunteers were sent to the prohibited road, and as soon as they overstepped the limits marked by the board, they were arrested. That is the origin of the present struggle at Vaikam. Soon after, the Police put up barricades across the four approach roads.

It is difficult to know what exactly is the position of Government. Their defence has not been stated with any precision. Are they conserving their own sovereign rights in the roads or are they out to defend the rights of caste Hindus? The answers to some of the Council interpellations only give us a vague indication of their line of defence. One of the grounds alleged in the press at the early stage of the struggle was that the roads are within Sanketam limits and are *gramavithis* and not public roads, this position apparently resting on an old decision of the High Court referred in 5. T. L. R., page 93. That case is not applicable here. There is no *Gramavithi* in dispute at Vaikam.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): Does the member know that on the eastern side of the temple there is a *gramavithi*?

MR. N. KUMARAN (*Nominated*): I was told that on the eastern side of the temple there are shops.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): There are no shops.

PRESIDENT: Your question is whether there is not a *gramavithi* on the eastern side. You may say whether there are shops or not, in your reply.

MR. N. KUMARAN (*Nominated*): The decision in 5 T. L. R. is not a judgment *in rem* and is not binding upon the depressed classes. The dispute in that case related to the right of the Christians to take a religious procession through a Jewish street. That was a case of private property over which others have acquired the right of passage but not of taking processions. In cases of this description, the presumption was that the way is a public way and not a *gramavithi* and the contrary has to be proved by the party asserting it. Ormsby J. in the same case observes "I am bound to add that, in my opinion, till the contrary is shown, it should be presumed that all roads and highways, the property of the State, are King's high ways and open to all classes alike for all purposes not forbidden by law."

The theory of trust and Sanketam is also not available to Government. The Devaswom Committee found that all Devaswoms are held by Government as "Sovereign Proprietor accountable to none" and by the recent Proclamation, all lands belonging to Incorporated Devaswoms (including Vaikam temple) were converted into Government property and treated as such.

LIBRARY ARCHIVES Kerala Legislative Assembly

In a learned article contributed to the Press by my friend Mr. P. K. Narayana Pillai, he has clearly established that the roads in question are public roads. I cannot do better than quote that passage. Says Mr. Pillai :

"In discussing the present Municipal Regulation at the 17th session of the S. M. P. Assembly, I drew the attention of Government to Section 53 of the same which vests all public streets, dust drains, etc., in Municipalities, and pointedly referred to notice boards like those in the disputed area placing check on the free passage of certain classes of people along certain roads. What gave occasion to that discussion was the existence of the Travancore Land Conservancy Regulation which legalises the land-grabbing autocracy of the Travancore Government to a marvellous extent. According to that enactment all public roads, streets, lanes and paths by whomsoever made and wheresoever situated, fall under the category of *poramboke* lands and are the property of Government. So, granting for argument's sake that the road in question originally was the property of the Vaikam Devaswom, by the operation of the Land Conservancy Regulation, it has ceased to be such and has become the property of Government. I was tempted to raise the question whether there was any public road in Travancore and whether any road vested in any Municipality obliging it to clean and light the same. Government, as usual, took time to consider the question and subsequently addressed two letters to me to say that their learned legal advisor held a different view, that my non-official doubts were all ill-founded and that the roads used by the public (including any section of the public according to the General Clauses Regulation) are public roads for purposes of Municipal Regulation and as such, should be lighted and cleaned by the Municipality concerned."

No reservation was made with respect to the portions forbidden by the prohibitory notice boards. Accordingly, the disputed roads were also taken over by the Vaikam Municipal Council and they are being lighted and cleaned at the expense of the rate payers. After all this, after their attention was pointedly drawn to the difficulty which is being experienced, now the Government who proclaimed the public nature of such roads should not, for the sake of grace at least, be allowed to eat their words or to tuck their head under the wings of trust and Devaswom rights.

The representative of the Vaikam Municipality is said to have claimed some contribution from the Devaswom on account of this recurring nuisance at the last session of the Popular Assembly. But the acting Dewan who presided refused the demand since it is a public road and observed that it should be kept clean as any other public road.

It is clear therefore that the roads in question are not roads over which any particular sect or caste has acquired any right to exclude any other or others. It is Government property opened by public funds, maintained, lighted, and swept also at public expense. The trees on either side bear the letters 'P. W. D'. Even granting that the roads are laid in Devaswom or Sanketam lands, under law the public can acquire a right of way over the soil. I believe I need not say more on the point to convince the House that these are public roads. No amount of assertions, denials and hard swearing can alter the situation. The prohibition board originally contained the expression that *tindal* castes were prohibited. Government cannot make such a distinction in the face of the Proclamation I have already referred to.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. N. Kumaran.]

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know from Mr. Kumaran, assuming it to be *gramavithi*, what is his position?

MR. N. KUMARAN (*Nominated*): Assuming it to be *gramavithi*, my position is this. The decision which distinguishes a public highway from a *gramavithi* as reported in 5 T. L. R. is an old decision, and there the question decided was whether the Christians could take a religious procession through a *gramavithi*. Therefore all that they wanted to decide was whether for all purposes it could be used by Christians, and '*for all purposes*' included a right of taking a religious procession. My point is, even if it is a *gramavithi*, some of the rights available to all portions of the public as a public road must be available to untouchable classes also.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): May I know from Mr. Kumaran whether the communities that he is advocating for were using these roads before?

MR. N. KUMARAN (*Nominated*): That is exactly my case.

Now it is nobody's case that that portion of the road, namely, one furlong which was once included in the prohibition area and subsequently placed out of it is not a public highway. Government therefore cannot but admit that they unnecessarily interfered with the liberty of the subjects until the removal of the board to the present site.

Another ground alleged in favour of the prohibition is that Government, in opposing the non-caste Hindus, are only supporting a custom. I shall be able to show that it is the weakest reed on which Government are now relying. In order that a custom may be considered valid it must conform to certain well-recognised principles laid down by all systems of jurisprudence. It must be ancient, invariable and not immoral and not opposed to public policy. There is nothing to show that the prohibition is ancient. The tradition current in the locality is that Ezhavas could go as far as the temple gates, let alone the roads. Tradition has it that four Ezhava families had the right to supply firewood for the temple use at the four gates. There is a temple dedicated to Nandi and called *Kallakkal Valiachan* attached to the main temple. This is situated outside the wall at the north-western corner of the main temple and is clearly within Sanketam limits. The whole expense of *Puja*, *Utsavam*, etc., is met from the main temple. It is in the possession and management of an Ezhava family. They perform even the *santi* in that temple. Further prohibition boards were placed only recently. Does it not show that the so-called prohibited classes were using the roads and that others wanted an exclusive use of them for which they put up these prohibition boards? Some untouchable classes inferior in social status to Ezhavas are now freely using the roads in question. For instance, *Kakkalans*, I mean the nomadic or gipsy class of Kuravans. Again Velans who are the Tandans or Uralis in northern

LIBRARY ARCHIVES Kerala Legislative Assembly

parts go near the temple walls and crop cocoanut nuts from gardens adjoining the temple walls. The law in Travancore does not prevent even a Pulayan from purchasing one of these gardens and occupying it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): May I know whether anybody has done it till now?

MR. N. KUMARAN (*Nominated*): That is a different matter. Is there any law preventing them from so doing?

There is no custom either in Vaikam or in any other place which is uniform or invariable. There are roads abutting the walls of several important temples. Most of these are freely used by Ezhavas and other classes. At Tiruvalla, Chengannur, Aranmula and Padanayarkulangara, to mention only a few, we have many important major Devaswoms and the roads passing along the temple walls are used by these classes without let or hindrance. Is there therefore any ancient, invariable custom in the country prohibiting all untouchable classes from using these roads? On what ground can you say that some roads may be used by all untouchable classes and some others by a few of them only? There must be a method even in madness. On the other hand, the question of entry into Sirkar temples is entirely different. There the custom is invariable and knows no exception. In respect of roads the cry is, not to prohibit any and in the case of the temples the demand is to admit all Hindus into them. In one case there is the invariable custom; in the other, there is only the intervention of Government.

Then again, there can be no doubt that such a prohibition ought to be considered as offending against public policy. Government must stand for enlargement of rights and not for special privileges in favour of one class and denial of rights to others. I believe, Sir, that I have made it sufficiently clear to the House that there is no valid custom supporting the policy. Mr. S. Srinivasa Aiyangar, a great national leader commanding respect all over India and a leading lawyer in south India, visited Travancore, studied the Vaikam question on the spot, met and discussed the matter with the anti-*satyagrahis* at Vaikam, conferred with the permission of Government, with Messrs. George Joseph, K. P. Kesava Menon and T. K. Madhavan, *satyagrahi* leaders then undergoing imprisonment in the Central Jail, interviewed His Highness the Maha Raja of Travancore and the Ag. Dewan, and sent his considered opinion on the subject to the Press. With your permission, Sir, I shall read one or two short passages from his statement.

"I have gone into the whole question, thanks to the information from official and non-official sources, and my conclusion is that the common view is right that these paths in question are public roads in the full sense of the term. The fallacy consists in imagining that there cannot be a right of public way over private or temple property. It is not necessary for the right of highway that the soil should be vested either in the public or in the State. Therefore, nothing turns upon the contention of the Travancore Darbar that the Settlement Register shows that the area in question is entered as the property of the Vaikam temple.

"In the second place, dedication to the public in respect of these Vaikam roads is clear from the fact that Mahomedans, Christians, and all other non-Hindus have been accustomed or have had the user of these paths along with caste Hindus. It is claimed that the roads are maintained by the Maramat Department. But this is neutralised by

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. N. Kumaran.]

the fact that the lighting and sweeping of the roads is attended to by the Municipality which is far more important to show the character of these roads as public highways. I also noticed that the trees on the sides of the paths are marked 'P. W. D.' and that certainly is evidence against the Government's contention that the Public Works Department has nothing to do with these roads. The prohibition boards are distinctly beyond the 11 acres 22 cents claimed as temple property. Further, the houses abutting upon the paths round the temple, access to which lies through these paths, are not temple property, and there is no law in Travancore to prevent any untouchable acquiring any of these houses.

"The defence of the Government is purely a legal defence. It is admitted that the custom of excluding untouchables is not a valid custom in respect of public roads. It cannot be a valid custom where the public as here had the user. There is also a significant circumstance that the boards prohibiting entry which are now in evidence and which purport to exclude *Pothujanam* or the public are quite a recent innovation. The boards in existence before these merely stated that the pollution castes should not go along these roads, admitting that these were public roads, but relying upon a custom which in Travancore has no longer the force of law."

Mr. Subba Aiyar, as the spokesman of Government, in answer to a question from my friend Mr. Madhava Variar, laid down a general proposition for the acceptance of this House that the classes not using the road must be considered as having been prohibited. That evidently is the criterion to decide this question and not any custom or right of a Sanketam. Government have not proved that these classes were not using the road before they put up the board. What the depressed classes assert is that they were using the roads and that the intervention of Government curtailed their liberty. The circumstances that I have already referred to go to show that the probabilities are that they were using the roads, the burden of proof to the contrary being on the Government. Government cannot but lose their case before an impartial tribunal like this Legislative Council.

Sir, I have already drawn your attention to the fact that the agitation for the removal of these inequalities started by the suffering sections of the population did not move the Government and that therefore, rightly or wrongly, that agitation assumed the form of *satyagraha* at Vaikam. Now, in a matter of this kind, it is important that Government must have an indication of the public view, especially of the caste Hindus on whose behalf evidently Government have placed themselves in this difficult position. May I therefore raise the question whether we had in the memory of living men any other subjects of importance and of a controversial nature where we had so great and powerful a public opinion in favour of the reform advocated than in the case of the Vaikam struggle? All the newspapers in the country, with the exception of a Brahmin organ and another of a nondescript variety in the capital, strongly and unequivocally advocate the cause. A large number of newspapers, *viz.*, *Samadarsi*, *Malayali*, *Srivazhumkod* and many others, are the leading Nayar organs. The Nayar Samajam in several of its sessions passed resolutions supporting the removal of untouchability and advocating the cause of temple entry. In Medam last, in the Nayar conference and in the joint conference of the Nayar and Ezhava

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Samajams at Vaikam attended by 15,000 to 20,000 people from the two communities, resolutions advocating the removal of this prohibition were passed and submitted to Government. Since then a joint deputation appointed at that conference met the Dewan and submitted a memorial with the same object. There was a caste Hindu meeting at Chengannur on the 23rd Mithunam, 1099, called for the special purpose of considering this question. There a resolution was passed unanimously, requesting the Government to remove the prohibition. There was not a single voice of opposition, though thousands of caste Hindus including Brahmins assembled from all parts of Travancore. My friend Mr. Madhava Variar presided over that conference. Then again on the 30th Mithunam, 1099, a crowded meeting of the caste Hindus was held at Vaikam supporting the same cause. I do not deny the existence of an opposition at Vaikam. But it is so feeble in spite of the rowdyism of a few *goondas* for a couple of days. Driven from pillar to post for a support, not finding any respectable journal to take up their cause, they had to start their own journal called *Dharmaprasthanam*. Their helplessness in this respect was admitted by Mr. R. K. Krishna Pillai during the budget discussion. They had also held one or two meetings in Nambutiri houses where the cry was the poor attendance of the anti-*satyagrahis* at the meeting. A few influential caste Hindu gentlemen of the locality, helped by a few rich Nayar gentlemen from the neighbouring places, put forward an opposition. This is not supported anywhere else in the country. Sir, outside Vaikam there may be a few men here and there among caste Hindus who may not contemplate with equanimity the cult of *satyagraha* in a matter of this kind. But such of them as are men of light and leading will certainly have no objection to the end in view being reached, though not through the means adopted by the volunteers at Vaikam. I am prepared to admit that those gentlemen who oppose the removal of the prohibition may be actuated by a sincere sentiment, but the question is, how far, how long, the sentiment of a microscopial minority can be permitted to override the similar and yet more reasonable feelings of self-respect and honor of 41 per cent. of the total population of the State? Then of the eight lakhs of caste Hindus in the country, 7 1/3 lakhs are Nayars. Nayars, as a community, I am happy to admit, are with us, a few exceptions notwithstanding. Then among the Brahmins also, the most educated community in the land, I am sure there are some who support us entirely. Some of the richest and most aristocratic of Nambutiries are at the head of this movement at Vaikam, suffering great privations on behalf of the depressed classes. The Hindu Sabha of Trivandrum recently held a meeting under the chairmanship of our Head Sirkar Vakil, Mr. Ananda Rao, and passed a resolution advocating the change. But I understand from well-informed quarters that the Brahmin has nothing to do with the temples which are established for the benefit of non-Brahmins who are devoid of spirituality. It is idle to contend that the Brahmin has to go to a temple and worship there for obtaining any spiritual advantage. If this view is correct I do not see how their sentiments are real or deserve to be consulted. As for the

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[Mr. N. Kumaran.]

Nayars it has to be conceded that of all caste Hindus they have the greatest interest in the religious institutions in the State. They are the class of people who have a real stake in the country. I would be failing in my duty if I do not publicly acknowledge the very great support that is most generously accorded to this movement by the Nayar community in every part of the country. By their tradition, by their aspirations and by their consuming desire to serve national interest and help the weak and deserving, the Nayar community has been evincing great interest in this movement. The Christian brethren certainly stand for equality all round and not for special privileges. Their sympathy has always been with us, and I am sure, I will get it in full measure from the Christian members of this House. Sir, in this connection I cannot avoid referring to the attitude of the Brahmin community in this matter. I am sorry to say that, with a few honourable exceptions I have already referred to, they are as a class opposed to this prayer and are utilising all their influence to thwart the efforts of the depressed classes. It is believed that the Brahmin officials of the District and the Station have purposely complicated matters at Vaikam which could have been easily solved with a little sympathy and tact. If the 50,000 Brahmins in this State are going to successfully oppose this prayer of 17 lakhs of people—17 lakhs of Hindus who are their co-religionists—in spite of the support of the Nayar and Christian communities, I need hardly say that it will serve as an eye-opener for all classes of people in Travancore for all time to come.

There is neither long-standing custom nor reasonable sentiment against the prayer contained in the resolution. Whenever Government were firm and wanted to remove a disability, sentiment never prevailed. Sentiment and *status quo* is the lamest excuse that the Government can urge against the resolution. If the Government had not interfered and had not put up the boards, sentiments and differences, if any, would have adjusted themselves. Now Government have removed all possibility of these classes sinking their differences and living like good neighbours. I say Government could not have done a greater disservice to the country.

Sir, the arguments that I have advanced apply with greater force to roads similarly situated in other parts of the country. The questions of a prohibition board and of Sanketam do not arise in those cases. The position in such cases does not present any difficulty.

We seek to remove some social inequalities. They affect our honour and self-respect—things that these classes value as dear as life. Would this House regard them as matters of no concern to them? Is it their wish that these classes of people may continue as mere helots of the country, despised and treated as anything but human beings in some respects.

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Sir, I place this question not on a caste or sectarian basis, not even as a civic right, but on a far higher and nobler basis—I mean on a basis of truth and humanity. Sir, I have great faith in the moral force that governs the affairs of man as well as of States and I am quite confident that this appeal that I am making on behalf of 17 lakhs of your fellow-subjects will find a responsive chord in the sympathetic hearts of the members of this Council. I commend my resolution to the acceptance of the House.

The Council adjourned at 5-15 P. M.

S. PARAMESVARA AIYAR,
Secretary to the Legislative Council.

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